

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED  
TIME 3:05 P.UNITED STATES DISTRICT COURT  
for the

DEC 22 2021

RICHARD W. NAGEL, Clerk of Court  
COLUMBUS, OHIONorton-Lotus: Justice, Lawful Executor of, for  
Petitioner  
MONICA G. JUSTICE, et al.v.  
Dallas: Baldwin, et al. &  
FRANKLIN COUNTY SHERIFFS  
OFFICE, et al.Case No. 2:21 CV 5902  
(Supplied by Clerk of Court)

Judge Graham

MAGISTRATE JUDGE VASCURA

Respondent  
(name of warden or authorized person having custody of petitioner)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Norton-Lotus: Justice  
(b) Other names you have used: Monica-L: Tindall; Monica-G: Justice
2. Place of confinement:  
(a) Name of institution: YO FRANKLIN COUNTY CORRECTIONAL CENTER II  
(b) Address: 2460 Jackson Pike  
Columbus, Ohio 43223  
(c) Your identification number: YO 20200724034
3. Are you currently being held on orders by:  
☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:  
☒ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

## Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☒ Pretrial detention  
☐ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☐ Other (explain): \_\_\_\_\_

## 6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: COMMON PLEAS COURT FRANKLIN COUNTY OHIO  
345 South High Street, Columbus, OH 43215  
 (b) Docket number, case number, or opinion number: #20-CR-03470  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Treating a civil non-emergency 'probate order' from case #M31874 with PROBATE COURT FRANKLIN COUNTY OHIO as a warrant for arrest, entry as issued under probable cause in compliance with the 4th Amendment. Used in indictment as foundation for forcible  
 (d) Date of the decision or action: Probate order executed on July 21, 2020. Treated as "warrant" entry in August 3, 2020 bond hearing. Averred to be a warrant by admin. judge in criminal case hearing date September 9, 2020.

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: 10<sup>th</sup> APPELLATE COURT FRANKLIN COUNTY OHIO  
 (2) Date of filing: 11/30/2020  
 (3) Docket number, case number, or opinion number: #20-AP-552  
 (4) Result: Dismissed for lack of jurisdiction due to 'probate order' being expunged  
 (5) Date of result: 12/30/2020  
 (6) Issues raised: Continued use of a 'probate order' as a warrant for arrest, entry. At the time of the filing of this case defense did not know said 'probate order' had been expunged. Was also being used at that time as a foundation to challenge ability to operate as counsel for defense

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: OHIO SUPREME COURT(2) Date of filing: February 16, 2021(3) Docket number, case number, or opinion number: #21-225(4) Result: Dismissed as constitutionally not significant(5) Date of result: April 27, 2021(6) Issues raised: Objected to the continued use of an expunged 'probate order' as a foundation to enter a tenancy with letted force, as if it were a warrant for arrest, entry, issued under probable cause in compliance with the 4th Amendment. Asserted criminal liable claims. Asserted criminal charges were based on acts taken in self defense as a result of the unlawful warrantless raid effected on July 21, 2020. Fruit of Poison tree & Exclusion Rule applies. Order was used to circumvent due process of law.

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: PROBATE 'COURT' FRANKLIN COUNTY  
OHIO(2) Date of filing: Late February 2021(3) Docket number, case number, or opinion number: #M31874(4) Result: deemed already adjudicated as expunged, refused to file/docket(5) Date of result: March 31, 2021(6) Issues raised: Use of probate order as if it were a 4th Amendment compliant warrant for arrest, entry, to circumvent due process of law in the execution of an eviction pending appeal.

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No



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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_

- (b) Date of the removal or reinstatement order: \_\_\_\_\_

- (c) Did you file an appeal with the Board of Immigration Appeals? \_\_\_\_\_

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

Petition for writ of habeas corpus

UNITED STATES DISTRICT COURT SOUTHERN

DISTRICT OF OHIO

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

2:21-CV-03584

(e) Result: \_\_\_\_\_

adjudicated under 28 USC § 2254 &amp; dismissed for failure to exhaust state remedy

(f) Date of result: \_\_\_\_\_

10/25/21

(g) Issues raised: \_\_\_\_\_

Continued use of an expunged 'probate order' as a warrant for arrest, entry. Continued use of an expunged 'probate order' as an indictment as a foundation to enter a tenancy without a 4th Amendment compliant warrant using lethal force. Substantiating the commitment to bond, bail based upon the use of said 'probate warrant' as foundation to enter tenancy on July 21, 2020 as if executing an arrest warrant which was repelled by my actions, taken in self defense in a warrantless raid of property I did hold my occupancy.

### Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** On July 21, 2020 FRANKLIN COUNTY SHERIFFS agents, deputies entered a tenancy I did hold by occupancy without a valid warrant for arrest, entry issued under probable cause in compliance with 4th Amendment. In said warrantless raid they did use deadly force & did break two (2) security doors & shot at occupants

(a) Supporting facts (Be brief. Do not cite cases or law.):

On July 21, 2020 said Sheriff attempted to wield a civil non-emergency probate order as if it were a warrant for arrest, entry. My family, mother were never notified of said 'probate order' existence prior to said forcible entry. There were no exigent circumstances at the tenancy justifying warrantless entry. Sheriff deputies violated the terms of the 'probate order' by their acts. Deputies disturbed public peace & created a deadly situation by their acts. Testimony supports.

(b) Did you present Ground One in all appeals that were available to you? ☒ Yes ☐ No can support these facts.

**GROUND TWO:** Said 'probate order' was subsequently expunged by July 23, 2020 by issuing 'court' & deemed unsubstantiated & prejudicial. Expungement deems probate order voided as if it never existed by state statute, and is deemed stricken from record.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Order in 10th APPELLATE COURT FRANKLIN COUNTY OHIO case # 20-AP-552 confirms expungement. Multiple communications & public record request with PROBATE COURT FRANKLIN COUNTY OHIO confirms expungement

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☒ No did not know it was expunged until 10th APPELLATE case # 20-AP-552

**GROUND THREE:** Said 'probate order' was presented in indictment & hearings as foundation to enter tenancy on July 21, 2020 as if it were a warrant for arrest, entry. A probate order is not a warrant for arrest or entry pursuant to the 4th Amendment & probable cause foundation. Expungement occurred prior to use in an indictment.

(a) Supporting facts (Be brief. Do not cite cases or law.):

On September 9, 2020 I did object in a hearing to the continued reference of the 'probate order' as a "probate warrant". Administrative judge in the criminal case did overrule said objection from the bench & asserted said probate order was a "warrant" though said 'probate order' itself states it is not a criminal arrest warrant.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☒ No did not know of expungement until 10th APPELLATE case # 20-AP-552



**GROUND FOUR:**

Foundations for commitment to jail under bail, bond is founded upon using 'probate order' as if it is a warrant for arrest entry supporting forcible entry into the tenancy on July 21, 2020.

(a) Supporting facts (Be brief. Do not cite cases or law.):

In bond hearing on August 3, 2020 prosecutin agents for STATE OF OHIO stated the sheriffs deputies were serving a "probate warrant" at the tenancy on July 21, 2020 and was foundations for using deadly force and entering tenancy in no-knock raid that day. As such the acts taken by myself were characterized as acts taken against the execution of a warrant & not as acts of self defense in a warrantless raid.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I was not aware of the expungement of the probate order until I filed the 10<sup>th</sup> APPELLATE APPEAL.

**Request for Relief**

15. State exactly what you want the court to do: I am being detained, imprisoned and held charged for acts taken in self defense against a warrantless raid effected by Sheriffs deputies on July 21, 2020, at a tenancy I did hold title by occupancy. I am under no commitment orders except to bail. I seek release from imprisonment & the discharge of all charges as the STATE OF OHIO cannot produce a valid 4<sup>th</sup> Amendment warrant for arrest or entry in support of the forcible entry using deadly force my self & wife were subjected to on July 21, 2020. No exigent circumstances existed in our household. I was not under indictment, nor wanted for any outstanding warrants. Their entry was 100% a violation of the 4<sup>th</sup> Amendment. All acts after that are fruit of the poisonous tree and subject to the Exclusionary Rule, as such all charges should be discharged & a writ of habeas corpus granted.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the <sup>mail</sup> prison mail system:

12 / 13 / 2021

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/12/21

RE JIM ABR IANTUL ERENTA, SEITLER, TRUM  
Signature of Petitioner  
of for MONICA A JUSTICE, and

N/A  
Signature of Attorney or other authorized person, if any